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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/648,152	08/25/2000	Stefan Freitag	4079.21US01	5358

27479 7590 09/03/2004

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EXAMINER

ORTIZ RODRIGUEZ, CARLOS R

ART UNIT	PAPER NUMBER
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2125

DATE MAILED: 09/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/648,152	Applicant(s) STEFAN FREITAG	
	Examiner Carlos Ortiz-Rodriguez	Art Unit 2125	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) ✓ | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 13 rejected under 35 U.S.C. 102(b) as being anticipated by Tanigawa et al. U.S Patent No. 5,694,544.

Regarding claim 13, Tanigawa et al. discloses a method of computer aided design of an object comprising: storing data on the shape and/or structure of the object (see col 2 lines 8-13); displaying a representation of the object on a screen(see abstract lines 9-12); modifying (*editing*) the shape and/or structure of the object by means of input commands (*editing request commands*) to a computer associated with the screen(see col 2 lines 55-58) , the input commands (*editing request commands*) being processed to update (*edit*) the data stored accordingly and an image of the modified object (*edited drawing object*) being displayed(see col 3 lines 40-49, col 6 lines 14-17, col 7 lines 20-31, col 11 lines 8-17, and fig 19); and automatically recording modifications (*reserve edit data*) made to the design and storing information representing the modifications chronologically(see col 3 lines 44-49 and col 7 lines 20-31).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhu et al. U.S Patent No. 6,654,032 in view of Tanigawa et al. U.S. Patent No. 5,694,544.

Regarding claims 1,2 and 5, Zhu et al. discloses a collaborative computer-aided design (CAD)(see col lines 10-14) system for designing an object by a plurality of designers working on the design simultaneously(see col 1 lines 60-61), comprising: a server comprising: a database for storing data(see col 4 lines 6-8), and a processor for processing input commands for modifying the object and updating the data stored in the database accordingly; and data recordal means for recording the input commands and storing the recorded input commands in the database with the object data(see col 8 lines 37-46 and col 6 lines 9-12 and col 5 lines 7-16); and a plurality of user terminals(see col 3 lines 54-55), each having a screen and a data input means and being connectable to the server via a network(see col 4 lines 20-27 and fig 2); the user terminals being connected to the server such that a representation of the object can be simultaneously displayed on the screens of all user terminals and that modifications can be made to the object by inputting commands via the data input means, the commands being conveyed via

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the network and processed via the server processor and recorded by said server data recordal means(see col 3 lines 65-66 and col 8 lines 14-34) .

But Zhu et al. fails to clearly specify details with respect to the shape and structure of the object and inputting the commands chronologically.

However Tanigawa et al. disclose shape and/or structure of the object(see col 2 lines 8-13) and recording the input commands (*editing request commands*) chronologically (*see col 3 lines 44-49, col 7 lines 20-31, col 6 lines 14-17, col 11 lines 8-17 and fig 19*).

Therefore at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the above invention suggested by Zhu et al. and combining it with the invention disclosed by Tanigawa et al. The results of this combination would lead to CAD system.

One of ordinary skill in the art would have been motivated to do this modification because it is known in the art that in order to design an object information characteristic of the object must be stored in order to permit other designers to view or edit the design as disclosed by Tanigawa et al.

Regarding claims 3 and 6, Zhu et al. in view of Tanigawa et al. disclose all the limitations of base claims 2 and 5. Zhu et al. further discloses a system wherein said remote terminals are connected to said server via the Internet, said server comprising said database, data processor, and data recordal means(see col 4 line 32).

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Regarding claims 4 and 7, Zhu et al. in view of Tanigawa et al. disclose all the limitations of base claims 1 and 5. Tanigawa et al. further discloses a system wherein said data recordal means further records information on the time and nature of the modification(see col 1 lines 65-66) .

Regarding claim 8, Zhu et al. in view of Tanigawa et al. disclose all the limitations of base claims 2. Zhu et al. further discloses a system wherein said data recordal means further records information on the designer making the modification(see col 7 line 27).

Regarding claims 9, Zhu et al. in view of Tanigawa et al. disclose all the limitations of base claims 2. Tanigawa et al. further discloses a system wherein said data recordal means further records information on the reason for the modification (*see col 1 lines 65-66*).

Regarding claims 10, Zhu et al. in view of Tanigawa et al. disclose all the limitations of base claims 2. Zhu et al. further discloses a system wherein said data recordal means further records information on web sites related to said modification (*see col 4 lines 20-42*).

5. Claims 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhu et al. U.S Patent No. 6,654,032 in view of Tanigawa et al. U.S. Patent No. 5,694,544 and further in view of Thackston U.S. Patent No. 6,295,513.

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Regarding claim 11-12, Zhu et al. in view of Tanigawa et al. disclose all the limitations of base claim 2. But, Zhu et al. in view of Tanigawa et al. fail to clearly specify details regarding a format independent of a CAD program.

However, Thackston discloses a system wherein the object is described by data in a format according to a CAD program and wherein information recorded by said data recordal means is in a format independent of said CAD program and plurality of adapters allowing data and input commands originating from different CAD programs to be input to the system and processed by said data processor independent of the CAD program (see col 5 lines 20-26).

Therefore at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the above invention suggested by Zhu et al. and Tanigawa et al. combining it with the invention disclosed by Thackston.

One of ordinary skill in the art would have been motivated to do this modification in order to provide participation to others with software resource that do not support a specific format as suggested by Thackston.

6. Claims 14-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanigawa et al. U.S. Patent No. 5,694,544 in view of Zhu et al. U.S Patent No. 6,654,032.

Regarding claim 14, Tanigawa et al. discloses all the limitations regarding base claim 13.

But, Tanigawa et al. fail to clearly specify a server.

However Zhu et al. discloses a method, further comprising setting up a collaborative session between a plurality of users(see col 3 line 55), wherein all users are connected via a network to a server(see col 4 lines 20-27 and fig 2), said server storing said data and displaying

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said representation of the object on the screens of the users, simultaneously, wherein the input commands originate from said users and are conveyed to said server which processes said commands, updates said stored data, displays the modified object on the screens of the users and records said modifications(see col 3 lines 65-66 and col 8 lines 14-34).

Therefore at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the above invention suggested by Tanigawa et al. and combining it with the invention disclosed by Zhu et al.

One of ordinary skill in the art would have been motivated to do this modification in because it is known in the art that remote servers are utilized to share information as suggested by Zhu et al.

Regarding claim 15, Tanigawa et al. in view of Zhu et al. discloses all the limitations of base claim 14. Zhu et al further discloses a method as claimed in claim 14, wherein the object data is uploaded to said server from one of said users(see col 2 lines 23 and 24).

Regarding claim 16, Tanigawa et al. in view of Zhu et al. discloses all the limitations of base claim 14. Zhu et al further discloses a method wherein, at the end of said session, said data describing the modified object, together with the records of modifications made, are downloaded to one of said users(see col 2 line 20).

Regarding claim 17, Tanigawa et al. in view of Zhu et al. discloses all the limitations of base claim 14. Tanigawa et al further discloses a method wherein, at the end of said session, said

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data describing the modified object, together with the records of modifications made, are saved in a design management file(see col 11 lines 59-61).

Regarding claim 18, Tanigawa et al. in view of Zhu et al. discloses all the limitations of base claim 14. Zhu et al further discloses a method wherein, at the end of said session, said data describing the modified object, together with the records of modifications made, are saved on a floppy or hard disk(see col 8 line 57).

7. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tanigawa et al. U.S. Patent No. 5,694,544 in view of Zhu et al. U.S Patent No. 6,654,032 and further in view of Thackston U.S. Patent No. 6,295,513.

Regarding claim 19, Tanigawa et al. in view of Zhu et al. disclose all the limitations of base claim 14. But, Tanigawa et al. in view of Zhu et al. fail to clearly specify details regarding converting the format.

However, Thackston discloses a method wherein said object data is converted from data described in a format according to a CAD program used by one of said users, into a format according to a program used by said server, and said records of modifications are stored in a format independent of the user format(see col 5 lines 20-26).

Therefore at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the above invention suggested by Tanigawa et al. and Zhu et al. and combining it with the invention disclosed by Thackston.

One of ordinary skill in the art would have been motivated to do this modification in order to provide participation to others with software resource that do not support a specific format as suggested by Thackston.

Response to Arguments

Applicant's arguments filed 05/25/04 have been fully considered but they are not persuasive. It should be noted that the arguments regarding claim 13 state that Tanigawa merely discloses storing comment data and does not address storing "modifications made to the design", however, claim 13 does not disclose such limitation instead it discloses "storing information representing the modifications chronologically". Storing "modifications made to the design" and "storing information representing the modifications chronologically" is considered to be different. Furthermore in page 8 (fifth paragraph) of the arguments submitted by applicant state that the "Zhu" reference does not teach the limitations of claim 13, it should be noted that Zhu is not relied upon for the rejection of claim 13 instead the reference relied upon for the rejection of claim 13 is Tanigawa et al. (U.S. Patent No. 5,694,544). Additionally with respect to same arguments it should be noted that claim 13 does not disclose "recording input commands".

The arguments presented by applicant also state that “there is no subject matter in Thackston to teach or suggest recording input commands or recording modifications in the manner recited by claims 1, 5, and 13”, apparently there is some misunderstanding because the “Thackston” reference is not relied upon for the rejection of claim 1, 5, and 13.

It is important to point out that the references relied upon for the rejections of the claims are analogous art related to sharing information through a communication means.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Ortiz-Rodriguez whose telephone number is

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(703) 305-8009. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo P. Picard can be reached on (703) 308-0538. The central official fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



LEO PICARD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Carlos Ortiz-Rodriguez

Patent Examiner

Art Unit 2125

cror

September 1, 2004